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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

JUAN ORTEGA, Individually  
and a Successor-in-Interest to  
Decedent, RUBEN WALTON  
ORTEGA,

Plaintiff,

v.

CITY OF INGLEWOOD,  
OFFICER OSWALDO  
FIGUEROA, OFFICER  
ALVARO RUIZ and 10  
unknown other named  
defendants,

Defendants.

CASE NO.: CV10-4166 ODW (VBKx)

**Hon. Judge: Otis D. Wright, II  
Courtroom: 11**

**STIPULATION AND  
PROTECTIVE ORDER**

Complaint Filed: June 4, 2010  
Trial Date: September 13, 2011

The parties have discussed the privileged nature of the Inglewood Police Department Internal Affairs materials regarding the investigation of the subject July 1, 2008 incident, which is the basis of the instant lawsuit.

Such confidential materials kept by Defendants are governmental documents that contain official information. Such confidential material has been maintained by Defendants in confidence and contains sensitive and private information.

1 Defendants are extremely concerned that dissemination of subject  
 2 information, documents, and materials related to the incident, relevant personnel,  
 3 and other confidential internal investigations could compromise the efficacy of  
 4 such undertaking in the future and act to discourage cooperation from the public.  
 5 Further, disclosure of which without a protective order may compromise the safety  
 6 of the subject peace officers and their families and third parties.

7 These materials are subject to various privileges including Evidence Code  
 8 §§ 1040, 1043, et seq., Government Code § 3300, et seq. and/or the official  
 9 information privilege. Further, such material also contains private and confidential  
 10 third-party information. The materials include but are not limited to the following  
 11 documents:

- 12 1. Six (6) page Inglewood Police Department Incident Report re Incident  
 13 No. 08-7666;
- 14 2. Six (6) page Inglewood Police Department Incident Report re Incident  
 15 No. 08-7666;
- 16 3. Four (4) page Inglewood Police Department Incident Report/Arrest  
 17 Report re Incident no. 08-7666;
- 18 4. Transcript of the July 2, 2008 interview of Officer Alvaro Ruiz;
- 19 5. Transcript of the July 17, 2008 interview of Officer Alvaro Ruiz;
- 20 6. Transcript of the July 2, 2008 interview of Officer Oswaldo Figueroa.
- 21 7. Transcript of the July 17, 2008 interview of Officer Oswaldo  
 22 Figueroa;
- 23 8. Transcript of the July 1, 2008 interview of Donnell Hawkins.
- 24 9. Transcript of July 2, 2008 interview of Otis Virgil;
- 25 10. Transcript of the interview of Christopher Perry;
- 26 11. Transcript of the July 7, 2008 Interview of Robin Virgil;
- 27 12. One (1) page Shift Roster;
- 28 13. Thirty-five (35) page Call Incident Detail;

- 1           14. One (1) page Critical Incident Call Out List;
- 2           15. Nine (9) page County of Los Angeles, Department of Coroner's
- 3 Autopsy Report No. 2008-04690 re Ruben Ortega;
- 4           16. Two (2) page County of Los Angeles, Department of Coroner
- 5 illustrations depicting the "injuries" to decedent Ruben Ortega's body;
- 6           17. One (1) page County of Los Angeles, Department of Coroner Medical
- 7 Report No. 2008-04690 re Ruben Ortega;
- 8           18. One (1) page County of Los Angeles, Department of Coroner Autopsy
- 9 check Sheet re Case No. 2008-04690;
- 10          19. Two (2) page County of Los Angeles, Department of Coroner
- 11 Forensic Science Laboratories Toxicology Report;
- 12          20. One (1) page County of Los Angeles, Department of Coroner Case
- 13 Report re Case No. 2008-04690;
- 14          21. Two (2) page County of Los Angeles, Department of Coroner
- 15 Investigator's Narrative re Case No. 2008-04690;
- 16          22. One (1) page County of Los Angeles, Department of Coroner
- 17 Personal Effects Inventory re Case No. 2004-04690;
- 18          23. One (1) page County of Los Angeles, Department of Coroner Medical
- 19 Evidence re Case No. 2008-04690;
- 20          24. One (1) page County of Los Angeles, Department of Coroner Order re
- 21 release re Case No. 2008-04690;
- 22          25. One (1) page County of Los Angeles, Department of Coroner
- 23 Preliminary Examination Report – Field re Case No. 2008-0460;
- 24          26. One (1) page County of Los Angeles, Department of Coroner GSR
- 25 Data Sheet re Case No. 2008-04690;
- 26          27. Four (4) page Los Angeles County District Attorney Justice System
- 27 Integrity Division letter dated March 6, 2009 prepared by Shannon Presby;
- 28

1           28. Four (4) page Los Angeles County District Attorney Justice System  
2 Integrity Division letter dated February 9, 2009 prepared by Shannon Presby;

3           29. Eleven (11) page Investigator's Follow-Up Report;

4           30. Nine (9) page Forensic Services Report;

5           31. One (1) page Crime Scene Diagram;

6           32. One (1) compact disc recording of radio traffic;

7           33. Two (2) page July 2, 2008 Inter-Departmental Communication from  
8 Sgt. Overly to C.O. Detective Bureau re "Officer Involved Shooting - Fatal –  
9 Homicide # 5 (DR # 08-766);

10          34. Two (2) page Inter-Departmental Communication re "OIS # 08H005  
11 Summary";

12          35. Five (5) page December 30, 2008 Inter-Departmental Communication  
13 from Sgt. Mejia to Chief Seabrooks re "Officer Involved Shooting – Final Report  
14 IAD Case No. 08-H005";

15          36. Seven (7) Inglewood Police Department Preliminary Shooting Report  
16 re Case No. 08-H005;

17          37. Two (2) page Watch Commander's Daily Log;

18          38. Seventeen (17) page Criminal/DMV History of Ruben Ortega;

19          In light of the aforementioned facts, and given the strong public policies in  
20 favor of encouraging witnesses to cooperate in investigations, protecting those who  
21 assist in investigations, protecting society's interests in investigating such  
22 incidents, and protecting Plaintiff's right to privacy, Defendants believe it is  
23 necessary and proper to enter an order carefully limiting the use and dissemination  
24 of the information, documents, and materials that are the subject of this Order. In  
25 order to informally resolve this matter, the parties have agreed to this stipulated  
26 protective order.

27          This Order shall apply to protect from unauthorized disclosure the  
28 aforementioned documents ("CONFIDENTIAL DOCUMENTS").

1           A.    CONFIDENTIAL DOCUMENTS shall be classified as confidential  
2 by stamping copies of them with “CONFIDENTIAL” or “CONFIDENTIAL,  
3 SUBJECT TO PROTECTIVE ORDER.” Prior to filing any such  
4 CONFIDENTIAL DOCUMENT with the Court, the parties shall make an  
5 application to seal the document pursuant to Fed. Local Rule 79. Stamping  
6 “CONFIDENTIAL” or “CONFIDENTIAL, SUBJECT TO PROTECTIVE  
7 ORDER” on the cover of a multiple page document shall classify all pages of the  
8 document as confidential, unless otherwise indicated by the disclosing party.  
9 Other unambiguous written notice that material is being classified as confidential  
10 also shall be sufficient.

11           B.    Immediately upon production by the disclosing party, attorneys for the  
12 receiving party shall personally secure and maintain the CONFIDENTIAL  
13 DOCUMENTS in their possession.

14           C.    The CONFIDENTIAL DOCUMENTS shall only be used for  
15 preparing for and prosecuting this case pending the completion of the judicial  
16 process, including appeal. No person to whom CONFIDENTIAL DOCUMENTS  
17 are disclosed shall cause or permit it to be used for any other purpose.

18           D.    Any copies, summaries, abstracts, notes, extracts of the contents or  
19 other documents derived from the CONFIDENTIAL DOCUMENTS are protected  
20 under this Order, and shall not be disclosed, disseminated, or conveyed in any way  
21 to anyone except as provided herein.

22           E.    If necessary in the judgment of the receiving party, said attorneys may  
23 show or reveal the contents of the CONFIDENTIAL DOCUMENTS to co-counsel,  
24 clients, paralegals, law clerks or experts actively assisting attorneys for receiving  
25 party in the investigation of this case. Any notes taken by any person reflecting  
26 the contents of the CONFIDENTIAL DOCUMENTS, or extracts of the contents,  
27 are protected under this Order, and shall be treated in the manner set forth herein.

28           F.    The receiving party shall cause the substance of this Order to be

1 communicated to each person to whom the CONFIDENTIAL DOCUMENTS are  
2 revealed in accordance with this Order.

3 G. Prior to the disclosure of any CONFIDENTIAL DOCUMENTS to  
4 any person described above, the receiving party who seeks to use or disclose such  
5 CONFIDENTIAL DOCUMENTS shall first provide any such person with a copy  
6 of this Order, and shall cause him or her to execute, on a second copy, which  
7 counsel shall thereafter serve on the disclosing party the following  
8 acknowledgment:

9 “I, \_\_\_\_\_, do solemnly swear that  
10 I am fully familiar with the terms of the Stipulated Protective  
11 Order entered in this action, Case No. CV 10-4166 ODW  
12 (VBKx), and hereby agree to comply with and be bound by the  
13 terms and conditions of the said Order with respect to the  
14 handling, use and disclosure of each Confidential Document. I  
15 hereby consent to the jurisdiction of said Court for purposes of  
16 enforcing this nondisclosure Order.

17 Dated: \_\_\_\_\_ /s/ \_\_\_\_\_”

18 H. If CONFIDENTIAL DOCUMENTS or confidential material therein  
19 are used, directly or indirectly, in any depositions taken in this matter, the original  
20 transcript of the deposition, and all copies thereof shall be stamped  
21 “CONFIDENTIAL, SUBJECT TO PROTECTIVE ORDER” and the portions  
22 containing the CONFIDENTIAL DOCUMENTS or confidential material shall be  
23 sealed pursuant to Central District Local Rule 79.

24 I. A copy of this Order shall be attached as an exhibit to said deposition  
25 transcript and the court reporter shall be subject to said Order and precluded from  
26 providing the original or copies of the deposition transcript or portions thereof, any  
27 copies thereof, or portions of copies thereof, to any persons or entities other than  
28 counsel of record in the instant action. Furthermore, any audiotape and/or

1 videotape of said deposition shall be subject to this Order. A copy of this Order  
2 shall be attached as an exhibit to said audiotape and/or videotape and the court  
3 videographer shall be subject to this Order and precluded from providing the  
4 original deposition videotape or portions thereof, any copies thereof, or portions of  
5 copies thereof, to any persons or entities other than counsel of record. Any  
6 audiotape shall similarly be subject to this Order and all persons shall be precluded  
7 from providing the original deposition audiotape or portions thereof, any copies  
8 thereof, or portions of copies thereof, to any persons or entities other than counsel  
9 of record in the instant litigation.

10 J. Additionally, anyone other than the following persons shall be  
11 precluded from attending any deposition whereat any CONFIDENTIAL  
12 DOCUMENTS or confidential material therein are used: the receiving party, the  
13 disclosing party, any parties' counsel, the court reporter, the court videographer, if  
14 any, and any of the named parties in this action. Those attending any depositions  
15 using CONFIDENTIAL DOCUMENTS shall not disclose to any person or entity  
16 not otherwise entitled to the confidential information, in any manner, including  
17 orally, any statements made by the deponents during the course of said depositions  
18 and any such disclosure shall be construed as a violation of this Order.

19 K. The receiving party shall not cause or knowingly permit disclosure of  
20 the contents of the CONFIDENTIAL DOCUMENTS beyond the disclosure  
21 permitted under the terms and conditions of this Order.

22 L. No document covered by this Order may be used for any purpose not  
23 set forth herein, or revealed to any person not described herein, absent further order  
24 of this Court.

25 M. If the receiving party who receives CONFIDENTIAL DOCUMENTS  
26 are served with a subpoena or other request seeking CONFIDENTIAL  
27 DOCUMENTS, he, she or it shall immediately give written notice to counsel for  
28 the disclosing party, identifying the CONFIDENTIAL DOCUMENTS sought and

1 the time in which production or other disclosure is required, and shall object to the  
2 request or subpoena on the grounds of this Order so as to afford the disclosing  
3 party an opportunity to obtain an order barring production or other disclosure, or to  
4 otherwise respond to the subpoena or other request for production or disclosure of  
5 CONFIDENTIAL DOCUMENTS. In no event should production or disclosure be  
6 made without written approval by the disclosing party unless required by Court  
7 order arising from a motion to compel production or disclosure of  
8 CONFIDENTIAL DOCUMENTS.

9 N. Any pleadings, motions, briefs, declarations, stipulations, exhibits or  
10 other written submissions (collectively "papers") filed with this Court, which  
11 contain, reflect, incorporate or refer to CONFIDENTIAL DOCUMENTS, shall be  
12 filed concurrently with a written application to seal the subject material. Pending a  
13 ruling on the application, the papers are to be filed consistent with Local Rule 79-  
14 5.1.

15 O. Counsel for the parties hereto agree to request that any motions,  
16 applications or other pre-trial proceedings in this Court which could entail the  
17 discussion or disclosure of CONFIDENTIAL DOCUMENTS be heard by the  
18 Court outside the presence of the jury, unless having heard from counsel, the Court  
19 orders otherwise.

20 P. Nothing herein shall prejudice any parties' rights to object to the  
21 introduction of any CONFIDENTIAL DOCUMENTS into evidence, on grounds,  
22 including, but not limited to, relevance and privilege.

23 Q. Nothing in this Order shall restrict or otherwise limit the use of any  
24 material by the District Court.

25 R. No more than thirty (30) calendar days after the end of litigation (Case  
26 No. CV 10-416 ODW (VBKx)), the receiving party, and every other person and/or  
27 entity who received originals or copies of CONFIDENTIAL DOCUMENTS  
28 provided by Defendants shall return all originals, and destroy or return all copies of

1 the CONFIDENTIAL DOCUMENTS, and material derived therefrom to counsel for  
2 Defendants, in care of: Office of the City Attorney, City of Inglewood, One  
3 Manchester Boulevard, Ste. 860, Inglewood, CA 90301. Any expense incurred in  
4 the return of originals of CONFIDENTIAL DOCUMENTS shall be at the expense  
5 of the party seeking return of the CONFIDENTIAL DOCUMENTS. Any  
6 CONFIDENTIAL documents obtained from third parties or via third party  
7 subpoena shall be destroyed or returned to the party whose privacy interest is  
8 implicated.

9 The litigation is at an end when (i) a final judgment has been entered by the  
10 Court or the case has otherwise been dismissed with prejudice; (ii) the time for any  
11 objection to or request for reconsideration of such a judgment or dismissal has  
12 expired; (iii) all available appeals have concluded or the time for such appeals has  
13 expired; and (iv) any post appeal proceedings have themselves concluded.

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**ORDER**

Having reviewed and considered the Parties' Stipulation For Protective Order,  
good cause showing therein, IT IS SO ORDERED:

Dated: January 04, 2011

\_\_\_\_\_/s/\_\_\_\_\_  
HONORABLE VICTOR B. KENTON  
United States Magistrate Judge  
Central District of California